

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

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|---------------------------------|---|--------------------------------|
| THE CITY OF ROCHESTER, |) | Case No. 6:23-cv-006061-FPG |
| |) | |
| Plaintiff, |) | Honorable Frank P. Geraci, Jr. |
| -against- |) | |
| |) | |
| SMITH & WESSON BRANDS, INC.; et |) | |
| al., |) | |
| Defendants. |) | |
| |) | |

DEFENDANTS' NOTICE OF MOTION TO STAY PROCEEDINGS

PLEASE TAKE NOTICE that Defendants, by and through their attorneys, respectfully move to stay further proceedings in this case pending a decision regarding the constitutionality of NY General Business Law §§ 898-a-e by the U.S. Court of Appeals for the Second Circuit in the case of *National Shooting Sports Foundation, Inc. v. James*, No. 22-1374.

As support, Defendants submit the attached Memorandum of Law in Support of Motion to Stay Further Proceedings. Defendants also intend to file and serve reply papers. Defendants request an oral hearing on the Motion at a date and time to be determined by the Court.

Dated: March 24, 2023

Respectfully submitted,

By: Scott C. Allan
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Attorneys for defendants Glock, Inc; Hi-Point Firearms a/k/a Strassel's Machine, Inc.; Kel-Tec CNC Industries,

Inc.; O.F. Mossberg & Sons, Incorporated; Springfield Armory, Inc.; SCCY Industries, LLC; JJE Capital Holdings, LLC; and RSR Group, Inc. and, for purposes of this motion, as liaison counsel for all defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2023, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically serve all counsel of record.

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